

**From:** Rick Spung  
**To:** Microsoft ATR  
**Date:** 11/18/01 12:00pm  
**Subject:** Microsoft Antitrust Case

Dear Sirs;

I am hopeful that the Judicial Department will tighten up the proposed settlement with Microsoft, because it appears to be full of loopholes and exemptions. Microsoft was found to be a monopoly, and it was found to have harmed the U.S. consumers, by stifling competition, restricting the development of new products and handcuffing computer users who wanted choice in applications.

Microsoft's conduct during the antitrust trial also shows that it plays fast and loose with the truth. Microsoft executives lied repeatedly under oath while giving testimony. Microsoft falsified evidence, misrepresented statements by industry experts, threatened and intimidated competitors and orchestrated a bogus public relations campaign by submitting fake letters from "concerned citizens" to state attorneys general.

I believe that Microsoft has no credibility, and has no intention of working in the best interests of the consumer. Microsoft's pattern of conduct over the past two decades has been to obtain, by any means necessary, a dominant market share in a particular software product, and then to maintain, by any means necessary, that market share. If it means preventing innovation by competitors, so be it. If it means preventing consumers from having access to software by competitors, so be it.

I believe that, at a minimum, Microsoft should be required to release ALL programming code of ALL software programs determined by the Justice Department to be in monopoly status, within six months of their release.

According to U.S. drug industry patent law, companies who develop new drugs are allowed a fixed time period of legal monopoly status, in order to recoup their costs of research and development. After the expiration of the time period, the products are no longer protected and thus become public domain information, eligible for generic production. Similarly, Microsoft's products that currently are categorized as having a monopoly status should be subject to the same arrangement, with a much shorter time period, due to the faster track of software development. I believe that a protected time period of roughly 180 days is sufficient.

My understanding of the proposed settlement is that the Judicial Department will be depending on Microsoft to define many of the terms, as situations arise. This is total and utter folly, as Microsoft's past conduct has amply demonstrated. I guarantee you, if these issues are not resolved in a more airtight and consumer-friendly fashion, future litigation will result.

Thank you for your time.

Sincerely;

Richard Spung

